

## **REMARKS**

Reconsideration of the present application in view of the above amendments and the following remarks is respectfully requested.

### **I. Status of the Claims**

Claims 1-103 are pending in this application. In the Office Action mailed on May 27, 2003, claims 1-103 were rejected. Claims 1-103 have been canceled and new claims 104-146 have been added.

### **II. Objection to Abstract**

The Examiner objected to the Abstract because of undue length. Applicants have amended the Abstract to correct the problem noted by the Examiner.

### **III. Rejection Under 35 U.S.C. § 103**

The Examiner rejected claims 1-103 under 35 U.S.C. § 103. Claims 1-103 have been canceled by Applicants.

### **IV. New Claims 104-137**

Applicants have added new claims 104-146 to the present application, claims 104 and 124 being independent. Claim 104 recites “a method for assisting an individual to monitor, control and modify certain aspects of the individual’s physiological status according to a preset physiological status goal” including steps of “generating data indicative of one or more measured parameters of said individual using said device” and “using said data indicative of one or more

measured parameters to determine status information indicative of the relative degree of achievement of said individual's performance with relation to said physiological status goal and providing said status information to said individual." Claim 124 recites "a method for assisting an individual to monitor, control and modify certain aspects of the individual's physiological status according to a preset physiological status goal" including steps of "generating data indicative of one or more measured parameters of said individual using said device," "using said data indicative of one or more measured parameters to determine the relative degree of achievement of said individual's performance with relation to said physiological status goal," and "providing, to said individual, information indicative of a suggested change in said individual's performance to assist said individual in the achievement of said physiological status goal."

In rejecting claims 62 and 86 (now canceled) of the present application, which recited a system and method, respectively, for monitoring the degree to which an individual has followed a suggested routine, the Examiner stated that Alyfuku, United States Patent No. 5,410,471 and Alleckson, United States Patent No. 6,336,900, fail to disclose a system or method for monitoring the degree to which an individual has followed a suggested routine or complied with a treatment plan. The Examiner, however, cited Brown, United States Patent No. 5,933,136, as teaching a system for monitoring the degree to which an individual has followed a suggested routine or complied with a treatment plan.

Brown describes a system and method for controlling patient access to an entertainment program to encourage a patient to comply with a treatment plan. Brown teaches that compliance data including measurements of a physiological condition of the patient may be collected and compared to evaluation criteria to determine if the patient is in compliance with the treatment

plan. If the patient is in compliance with the treatment plan, the patient is granted access to the entertainment program. If the patient is not in compliance with the treatment plan, the patient is not granted access to the entertainment program. In other words, the patient is given one of two responses (access or no access) depending on his or her compliance, neither of which relates specifically to the treatment plan and the relative degree of achievement of the plan and/or suggestions on how to comply with the plan. Brown thus does not teach or suggest “using said data indicative of one or more measured parameters to determine status information indicative of the relative degree of achievement of said individual’s performance with relation to said physiological status goal and providing said status information to said individual” as required by claim 104 or “using said data indicative of one or more measured parameters to determine the relative degree of achievement of said individual’s performance with relation to said physiological status goal,” and “providing, to said individual, information indicative of a suggested change in said individual’s performance to assist said individual in the achievement of said physiological status goal” as required by claim 124. Accordingly, Applicants respectfully submit that claims 104 and 124 are allowable over the cited references. In addition, because claims 105-123 and 125-146 depend, either directly or indirectly, from claim 104 or claim 124, Applicants respectfully submit that they are likewise allowable over the cited references.

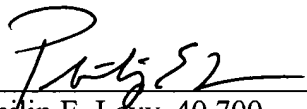
### **CONCLUSION**

Based on the foregoing remarks, Applicants respectfully submit that claims 104-146 are in condition for allowance.

If a telephone conference would facilitate prosecution of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

Respectfully submitted,

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